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Oceans and the law of the sea

Letter dated 3 March 2016 from the Permanent Representative of China to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit to you herewith a diplomatic note from China regarding the letter dated 19 February 2016 from the Permanent Representative of Viet Nam to the United Nations addressed to the Secretary-General and the annex thereto (A/70/748).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 79 (a).

(*Signed*) **Liu** Jieyi
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
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Annex to the letter dated 3 March 2016 from the Permanent Representative of China to the United Nations addressed to the Secretary-General

The Permanent Mission of the People's Republic of China to the United Nations presents its compliments to the Secretary-General and, with reference to the letter dated 19 February 2016 from the Permanent Representative of the Socialist Republic of Viet Nam to the United Nations addressed to the Secretary-General (A/70/748), has the honour to state the position of China as follows:

China firmly opposes and absolutely rejects the unwarranted accusations made by Viet Nam against China in the above-mentioned letter, as well as the attempt by Viet Nam to fabricate so-called disputes.

China has indisputable sovereignty over the islands of the South China Sea, including the Xisha Islands and Nansha Islands, and their adjacent waters. This is supported by ample historical and legal evidence. Prior to 1974, none of the successive Vietnamese Governments had ever challenged the sovereignty of China over the Xisha Islands and Nansha Islands. Viet Nam had officially recognized that the Xisha Islands and Nansha Islands had been part of Chinese territory since ancient times. This position was reflected in its government statements and notes and official newspapers, in maps published by the Department of Survey and Mapping of the Prime Minister's Office and by the General Staff Department of the Vietnamese People's Army, as well as in textbooks reviewed and published by the Ministry of Education. From 1958 to 1972, the territorial airspace of China's Xisha Islands was repeatedly violated by the United States military aircraft during their operations against Viet Nam. China sent warnings to and lodged protests against the United States on numerous occasions. The Vietnamese Government also made public statements on numerous occasions in support of the efforts by China to safeguard its sovereignty over the airspace of the Xisha Islands.

After 1975, in blatant violation of the Charter of the United Nations, the basic norms governing international relations and its own commitments, Viet Nam illegally occupied by force 29 islands and reefs of the Nansha Islands, belonging to China, which has seriously encroached upon the territorial sovereignty of China. Viet Nam has long been engaged in large-scale construction projects and deployment of missiles and other offensive weapons on the Chinese islands and reefs of the Nansha Islands that it has illegally occupied. China firmly opposes these acts and has been lodging sustained protests for a long time. Viet Nam has also put forward illegal territorial claims to the Xisha Islands, belonging to China, and attempted to take advantage of all possible opportunities to fabricate out of thin air so-called disputes, which China finds deeply alarming and categorically opposes.

The deployment by China of appropriate and necessary national defence facilities on its own territory is the exercise of the rights to self-preservation and self-defence granted by international law to sovereign States. It is in keeping with the environment prevailing in the Chinese territories and the threats they face. The actions of China do not affect or target any country, nor do they affect in the least the freedom of navigation and overflight in the South China Sea that all countries enjoy under international law. As such, they are beyond reproach.

China urges Viet Nam to faithfully abide by its own prior commitments, respect the territorial sovereignty and relevant rights and interests of China, comply

with international law, including the Charter of the United Nations and the Agreement on the Basic Principles guiding the Settlement of Sea Issues between China and Viet Nam, cease making unwarranted accusations against China and stop hyping-up the issue. We hope that Viet Nam will work with China to effectively implement the relevant consensus reached by the leaders of our two political parties and Governments, properly address maritime issues and jointly safeguard the overall interests of relations between China and Viet Nam and peace and stability in the South China Sea.